

STATE OF HAWAII
REQUEST FOR EXEMPTION FROM CHAPTER 103F, HRS

TO: Chief Procurement Officer

FROM: The Department of Public Safety/Health Care Division
(Department/Division/Agency)

Pursuant to § 103F-101(a)(4), HRS, and Chapter 3-141, HAR, the Department requests a procurement exemption to purchase the following:

Description of health and human services:

General and Specialty Dental Care for the inmates housed at the Hilo Community Correctional Center and the Kulani Correctional Facility, both located on the island of Hawaii.

Name of Service Provider Russell H. Masunaga, DDS, LLC Dba Ohana Dental Center	Cost: \$24,000	Term of Contract: From: 3/2003
John Pittaway, DDS	24,000	To: 7/2003 (four months)
Total	\$48,000	PSD is requesting permanent funding for FY 2004 that would allow for an RFP for Mobile Dentistry Services.

Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State: For the last two years, the PSD has been unsuccessful in obtaining permanent Dental services for the patients of the two correctional facilities on Hawaii. The situation has become critical, as the private Dentist providing on-site services on a temporary basis has discontinued his visits effective December 1st, 2002. The PSD has been unsuccessful in contracting with Dentists in the Hawaii area who are willing to provide similar on-site routine and specialty services.

The PSD will issue a RFP for Mobile Dentistry Services within the next two weeks. The PSD has submitted a supplemental budget request to the Legislature for the additional funds for this necessary service, effective 7/1/03. Although the RFP process would take only three months, the PSD is requesting an exemption until 7/1/03, as the PSD is waiting for the additional funds, as the present Fiscal Year 2003 budget does not include adequate funds. In the event the Legislature does not appropriate the contract funding, the PSD will need to revise its 2004 expenditure plan to find and reallocate the funds to provide the service. Thus releasing the RFP for May and June would not be practical, as the PSD can only fund temporary services. The complete dental services that will be provided through the RFP cannot be funded until July 1, 2003.

Thus the PSD is requesting an exemption to provide temporary services as a measure to ensure that the inmate's constitutional rights to dental care are being met. The present situation puts the PSD at risk as this negatively impacts the health and safety of the inmates. The temporary use of the two Dentists will not completely meet the dental needs of the population but will provide emergency services pending the RFP process.

Dr. Russell H. Masunaga who had been awarded the present RFP to provide Mobile Dentistry Services for the Correctional Facilities on Maui and Kauai, is agreeable to provide limited on-site services on a

temporary basis.

Dr. John Pittaway, who previously provided Mobile Dentistry Services for the Correctional Facilities on Maui, Kauai, and Hawaii, is agreeable to provide limited on-site services on a temporary basis.

Details of the process or procedure to be followed in selecting the service provider to ensure maximum fair and open competition as practicable:

An exemption would ensure that some dental services be provided to the patients at the correctional facilities on Hawaii. With limited services available, the cases will be prioritized and serviced based on the seriousness of the case. The Corrections Health Care Administrator has called 10 dentists who are in the immediate geographic area or who can provide mobile dentistry. Of the dentists contacted, only Drs. Masunaga and Pittaway have agreed and are able to provide mobile dentistry services similar to what is provided to the Kauai and Maui facilities.

A description of the state agency's internal controls and approval requirements for the exempted procurement:
The facility staff will decide which patient the dentist will see, based on prioritizing the urgency of the patient's condition. The dentist will submit an invoice to PSD including a detailed summary of the services provided to each patient.

Upon receipt of the invoice, The Health Care Office staff will verify that these patients received the services based on the facility dental logs provided to the HCO for this purpose.

A list of state agency personnel, by position title, who will be involved in the approval process and administration of the contract:

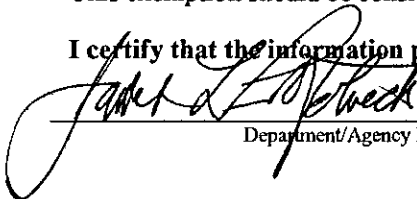
Sonja Gumbs, RPN IV, HCCC Health Services Administrator
Sarah Linfoot, RPN IV, KCF Health Services Administrator
Wesley Mun, Corrections Health Care Administrator
Carol Payne RPN III, Acting Utilization Management Coordinator
Marjorie Bragado, Account Clerk III

Direct questions to:
Wesley Mun

Phone Number:
587-2536

This exemption should be considered for list of exemptions attached to Chapter 3-141, HAR: Yes ☐ No ☐

I certify that the information provided above is to the best of my knowledge, true and correct.



Department/Agency Head

February 20, 2003

Date

Chief Procurement Officer's Comments:


See attached Memorandum to the Director of Public Safety of March 4, 2003.

Please ensure adherence to applicable administrative requirements.

☒ Approved

☐ Denied

cc: Administrator
State Procurement Office


Chief Procurement Officer

3/2/03
Date

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GOVERNOR



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March 4, 2003

MEMORANDUM

TO: The Honorable James L. Propotnick, Interim Director
Department of Public Safety

FROM: Aaron S. Fujioka, Administrator

SUBJECT: Request for Exemption from Chapter 103F, HRS, Dental Services

The subject request for exemption is the fifth request received from the Department of Public Safety (PSD) since September 2002. An occasional request for exemption from procurement may be appropriate as it is not always possible to anticipate service needs, or may be required when procurement by competitive means is either not practicable or not advantageous to the State. However, PSD's requests are for on-going nursing and dental services.

When a temporary exemption is approved, it is the agency's responsibility to use the period of the exemption to initiate the appropriate procurement process. Inadequate planning is an unacceptable justification for requesting an exemption from competitive procurement.

We suggest that your department issue the request for proposals for the subject service as soon as possible for services to commence on July 1, 2003, pending availability of funds. No further exemptions will be granted by reason of not being able to issue the solicitation. This request for exemption is approved to provide time to complete the solicitation.

A pattern is emerging and we wish to bring this to your attention to avoid having future requests for exemption denied. If you have any questions, please call me at 587-4700 or your staff may contact Mara Smith at 587-4704. Thank you.